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Congress of the United States
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June 5, 2003

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The Honorable John Ashcroft
Attorney General
U.S. Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Attorney General Ashcroft:

I am again writing to you regarding the enforcement of our nation's federal firearms laws. As you are aware, I have written to you on several previous occasions to highlight the Justice Department's poor record of gun prosecutions. I am concerned that rather than improving, the number of federal firearms prosecutions may be lower than previously documented, and that a vast enforcement gap exists between the number of federal gun crimes committed and those prosecuted in Michigan and throughout America.

Despite your public statement that you want to send a message that "gun crime means hard time," an alarming new report written by Americans for Gun Safety Foundation, based on Department of Justice data, shows that only two percent of federal firearm violations are routinely enforced. Furthermore, it appears that twenty of the twenty-two major federal firearm statutes are enforced so infrequently that they have been rendered nonexistent.

As you know, I am particularly concerned with violations of 18 USC § 922(a)(6) – so-called "lying and buying" – deliberately falsifying information on the federal form for gun purchaser background checks (BATF Form 4473). In Michigan, an estimated 11,000 individuals lied on the background check form in FY 00 – FY 02, yet federal prosecutors in Michigan only filed 18 cases. This is a disturbingly low number of federal prosecutions.

Despite your assurances to the contrary, the Justice Department under your watch has failed to aggressively prosecute individuals who are rejected by the instant check system after having lied on the purchase application. Stopping the sale of a firearm to a prohibited individual is only one component of an effective strategy to prevent violent criminals from obtaining guns. Prosecuting those felons, domestic abusers and others who illegally attempt to purchase a firearm is the other half of the equation. It is clear to me that when a criminal is rejected by the instant check the criminal does not abandon his search for a gun.

I take a back seat to no one in the support of an individual's Second Amendment right to own firearms, and I appreciate your commitment to the rights of law abiding gun owners as well. But I also know that in order to preserve our Second Amendment freedoms, we need to

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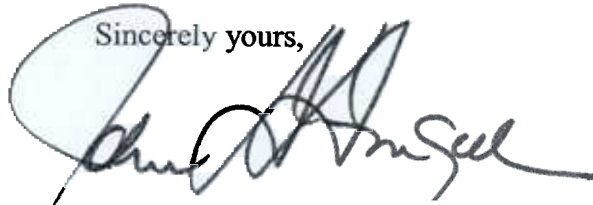
vigorously and fairly enforce the laws on the books. By not enforcing existing federal firearms laws, we are not only allowing criminals to arm themselves, we are eliminating any deterrent effect these laws may have.

Please write to inform me how the Justice Department plans to improve its abysmal record of enforcement of all of the major federal firearm statutes. I am also curious to know when the Department will formulate and implement an aggressive prosecution strategy for those who lie to buy guns. I would greatly appreciate a detailed response to each of these questions as soon as possible but in any event by no later than close of business on June 27, 2003.

Thank you again for your attention to this matter. I look forward to your response and to working with you to reduce gun crime in America through the vigorous enforcement of our federal gun laws.

With every good wish,

Sincerely yours,

A handwritten signature in dark ink, appearing to read "John D. Dingell", written over a light blue circular stamp.

John D. Dingell
Member of Congress